

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KING DRUG COMPANY OF
FLORENCE, INC., *et al.*,

v.

CEPHALON, INC., *et al.*,

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) No. 2:06-cv-1797
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VISTA HEALTHPLAN, INC., *et al.*,

v.

CEPHALON, INC., *et al.*

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) No. 2:06-cv-1833
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)

APOTEX, INC.,

v.

CEPHALON, INC., *et al.*

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) No. 2:06-cv-2768
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FEDERAL TRADE COMMISSION,

v.

CEPHALON, INC.,

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) No. 2:08-cv-2141
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**APOTEX'S UNOPPOSED MOTION TO MODIFY THE
COURT'S AMENDED PRETRIAL SCHEDULING ORDER**

Apotex Inc. ("Apotex") respectfully moves this Court to extend certain deadlines in the related antitrust cases. Apotex has been in contact with discovery counsel in each of the related antitrust cases. All parties have consented to this unopposed motion. Apotex states as follows in support of this Motion:

1. On October 22, 2013, the Court entered an Amended Pretrial Scheduling Order (the "Scheduling Order") in each of the consolidated cases. *See, e.g.*, Dkt. No. 612, Case 2:06-cv-02768-MSG.

2. The Scheduling Order set a deadline of December 9, 2013, for both supplemental expert reports and reply briefs to certain motions for summary judgment. Apotex moves for an unopposed, eleven (11) day extension of these deadlines in the related antitrust cases (to December 20, 2013), and an adjustment of various other related deadlines.

3. The Scheduling Order set a deadline to complete supplemental fact discovery of November 25, 2013. Multiple parties and third-parties produced documents and other data shortly before this deadline, much of which may require review and analysis before service of supplemental expert reports.

4. Pursuant to the Scheduling Order, multiple parties filed motions for summary judgment on September 20, 2013. Pursuant to the Scheduling Order, responses to such motions were filed on November 18, 2013. These response briefs, including the associated statements of facts, totaled several hundred pages of briefing and included several hundred exhibits.

5. Given the voluminous material involved in briefing and supplemental expert reports, and the intervening holidays of Thanksgiving and Hanukkah, Apotex respectfully requests

modification of the following deadlines set by the Scheduling Order in each of the above-captioned, related antitrust cases:

<u>Filing or Submission</u>	<u>Current Deadline</u>	<u>Proposed Revised Deadline</u>
Supplemental expert reports	December 9, 2013	December 20, 2013
Replies to pending motions for summary judgment	December 9, 2013	December 20, 2013
Responses to supplemental expert reports	January 6, 2014	January 24, 2014
Close of expert discovery	February 10, 2014	February 28, 2014
Other motions for summary judgment and <i>Daubert</i> motions	February 24, 2014	March 14, 2014
Responses to summary judgment and <i>Daubert</i> motions	March 17, 2014	April 4, 2014
Replies to summary judgment and <i>Daubert</i> motions	March 31, 2014	April 18, 2014

6. Apotex has been in contact with discovery counsel in each of the related antitrust cases. All parties have consented to this unopposed motion. No party will be prejudiced by granting this motion.

Dated: December 2, 2013

Respectfully submitted,

/s/ Thomas J. Maas

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CERTIFICATE OF SERVICE

The undersigned certifies that on December 2, 2013, he caused to be filed electronically the foregoing APOTEX'S UNOPPOSED MOTION TO MODIFY THE COURT'S AMENDED PRETRIAL SCHEDULING ORDER, using the CM/ECF system in Case No. 2:06-cv-2768, which will send e-mail notification of the filing to all counsel of record. The undersigned also certifies that copies of this notification will be forwarded to Discovery Counsel pursuant to the Court's prior orders.

Dated: December 2, 2013

/s/ Thomas J. Maas